

CAPITAL IMPROVEMENT PROGRAM COMMITTEE (CIPC)

Minutes for February 25, 2009

Present: CIP Members: Chairman David Weaver, Mary Ellen Fitzgerald, Dawn Hayes, Todd Mitchell, Dennis Steinhauer and Commission Liaison Joe Skinner. Staff: County Administrator Earl Mathers, Grants and Glenda Howze. Guests: Sheriff Cashell, City Manager Chris Kukulski, Assistant City Manager Chuck Winn, and Police Chief Mark Tymrak. (Commissioner Bill Murdock and Finance Director Ed Blackman)

The meeting was called to order at 7:30 AM in the Courthouse Community Room.

Public Comment: There was no public comment on matters not on the agenda.

Approval of Minutes (January 28, 2009 and February 11, 2009): Ms. Fitzgerald made a motion to approve the minutes of January 28, 2009 as written. Ms. Hayes seconded the motion. All vote aye. Motion carried unanimously. Ms. Hayes made a motion to approve the minutes of February 11, 2009 as written. Ms. Fitzgerald seconded the motion. All vote aye. Motion carried unanimously.

Discussion and Decision Regarding City of Bozeman Proposal for the Law and Justice

Campus: Chairman Weaver provided a history of the project and made opening comments. There were no public comments on this subject. Distributed an email from David Smith with his comments on the matter. Board discussion:

Mary Ellen Fitzgerald: We are County CIP members and therefore charged by the County. I am leaning toward the opinion of not selling land to the City, but would consider a lease. Location – I think we had recommended the northwest corner to the City and was surprised by the southwest corner request. I like the first plan with the northwest corner and would prefer that everyone stay together on the north side. I would like to see Bozeman give us a little more time to get a joint building going.

Dennis Steinhauer: Being new, I am not caught up on the timeline for the two entities. Who is ready to go and who isn't?

David Weaver: The City is more prepared to go forward than the County at this time, but they still have to go to the voters for a bond, and plan to do so this fall. If approved, then construction on their facility could start next winter.

Chris Kukulski: When City staff created the new budget [for FY 2009] they proposed \$750,000 for a down payment for land and design of the building. The City Commission took this out of the budget and placed it in a reserve account until such time as land is secured. They have also indicated that as soon as land for the facility is secured that they will consider an amendment to the budget to begin the design work.

Mr. Weaver inquired about the County's timeline. Commissioner Skinner stated that the County doesn't have one as it isn't an issue for us now. Mr. Steinhauer asked how this impacts the sharing of a building.

David Weaver: Stated that he had a lengthy discussion with Jeff Sandholm on the rough concept of the building structure and how it can be added on to at a later point either in the southwest corner or elsewhere. This type of option would allow both entities to utilize space more efficiently and serve the overriding concerns of co-location. Mr. Sandholm said that this is a possibility and a way to accommodate two timeframes.

Discussion regarding financing of such a facility. Chairman Weaver stated that like the 911/Fire facility, it would essentially be a condo arrangement with shared walls. Mr. Mathers stated, however, it is different in that with the 911/Fire project we both had money to move forward. Chairman Weaver questioned whether or not the concept of co-locating in the same facility is worthy of exploration.

Chuck Winn: Co-location in the same facility could work here if the City and County were on the same time line and the property for doing so was identified. It could work in a perfect world, but there are also fiscal and political realities that come into play. First and foremost the location needs to be identified. We can talk co-location, shared walls, etc., after we identify the location, timing and sale versus long-term lease. An architect needs to be hired, site identified, utilities located, and then a discussion can take place on how to make it work for the Police and Sheriff. It could work but we first have to identify if the City Police Department can stay on this site and if we can agree on a location on the site.

Commissioner Skinner: Just because the County doesn't have a timeline doesn't mean that we don't recognize the urgency of the City's situation.

Chris Kukulski: Some level of money needs to be spent immediately so that things can move forward. If there isn't preparedness and a willingness to spend money to begin with, a willingness to get a joint project going to get a design started, then the project cannot go forward. We have the concept but do we have the resources.

Commissioner Skinner: The County will not have money for design in this budget and maybe not even the next one.

Earl Mathers: Stated that we can't say we would have this type of money, as it would most likely be more than \$100,000. Our budget is very constrained and we are trying to figure out how to maintain services and not sacrifice too many positions.

Todd Mitchell: After listening to the Sheriff and Police Department, I don't have a problem with the southwest corner; access works best here and I don't have a problem with this location. A lease agreement seems more reasonable for the County.

Chairman Weaver: This is kind of where I'm at too. I don't know why the County would sell the property though.

Chris Kukulski: The City referred to the Carter Goble Lee plan which indicated the ideal plan for their needs for greater than 20 years is 5 acres. A lease is an agreement and can be arranged to suit both parties. The City is most concerned about a scenario where it can't meet the City's needs into the future. The City doesn't have any spare money either and not fronting the money for the purchase of the land would be helpful. The lease would have to be fair to everyone; a lease would not be a deal breaker.

Discussion about access. Mr. Mitchell stated that County Attorney Lambert indicated that the access across the lot [Guenther Center] didn't appear to be a problem. Chairman Weaver stated that Mr. Lambert is okay with it and he's fine with co-location on the site without a shared building – he doesn't think two separate buildings are an issue. Commissioner Skinner reiterated that Mr. Lambert is fine with the access plan. Mr. Kukulski stated that ingress and egress through the Guenther Center parking lot was not considered as it is too close to the 19th/College Street intersection.

Dawn Hayes: Stated that she feels similar to Todd. Originally I thought that the southwest corner was not okay but I wouldn't have a problem with it after hearing from everyone else. The access works and that was a big deal. I am not in favor of selling the land and expansion issues can be address later. Also noted that a lease would be preferred to selling of the land. It is in the best interest of the taxpayers that everyone remains on the same land. As a taxpayer I wouldn't want to approve a bond to buy the land from the County, however. The general public will see it as that they own the property already and they have to "buy" it again – that would be a hard sell. It is critical to stay together, however, and we need to make it work.

Commissioner Skinner: Asked the Sheriff if he would like rather have his office hooked to the jail or to the Police Department? The Sheriff stated that he'd rather be hooked to the jail, but for day to day operations it would be better to be with the Police Department.

Chairman Weaver: Stated that he discussed the proposal for the southwest corner with Jeff Sandholm. Mr. Sandholm stated that a co-located facility could be connected, perhaps in the southeast corner. I think that we need an extensive master plan before making any decisions. We need a master plan that incorporates the best ideas put together in one place. This could address how things could fit together in one building, with phased buildings, that meets the co-location needs of everyone. This takes money to get to that point, however.

Commissioner Skinner: This would likely mess up the timeline for the City. We can't build a jail and all the other facilities on the same property at the same time as the current L&J is still there and in a place that some of the other facilities will be located at some point.

Chairman Weaver asked Mr. Kukulski if the City would wait until next fall if the master plan could be completed first.

Chris Kukulski: If a consultant could give us a buildable master plan, maybe. But if it is a six month process to complete this and then we have to wait to build after that, then the City might not wait. There is a master plan of sorts now. We can fit all of the necessary facilities at the current location. There hasn't been money for a true master plan for the whole site, just a plan for fitting everything on it. The plan was very conceptual. The City asked Dowling Sandholm to meet the City's needs [access, size, etc.] and that led us to the southwest corner. We understand the County's point of view but some of this is partially dreams. We would like to see both construct at the same time and to

have the jail and Sheriff connects to us, but we have to go forward soon and we have to have a really good plan to do so and to wait for the County to be on board.

Earl Mathers: We have some things working for use. We have a starting point, conceptual designs that are workable. I am encouraged by what we are hearing. There is a possibility of getting additional PILT funds to help with the additional funding; though we're not sure if we can spare any of the funds for this purpose – they may have to be used to balance the budget. If we could move forward in a deliberative manner, in a few months we will know where we stand budget wise. It makes good sense to combine the services for the public's sake. We should exhaust all possibilities to work together.

Chairman Weaver: We have to have a plan in place to get there. How can we make an informed decision while we are operating in a vacuum without a full master plan? The site has to be master planned and to do this we have to spend money. If we piecemeal the site we will get less than optimum utilization of the site. I am still concerned about the site being big enough to meet all of the needs in the future, so we need to do this the best way possible from the start.

Chris Kukulski: In an ideal world this is the best way. However, we can master plan one piece at a time. The jail was planned in the best location in order to minimize its effect on future development; placing the City in another corner continues this minimization of effect as well. The City Commission adopted this as their number one priority – to complete a new Police Department and municipal court building. We need to be successful with a design to take to the voters. A quality master plan would probably exceed \$100,000 and the County is indicating that it isn't prepared to spend this kind of money. We have the best idea in mind, but there is not a lot of hope to move forward with this idea (co-location, same building). When the City approached Dowling Sandholm we gave them the "deal stoppers" from the County's side and gave them the City's needs and the plan on the table is the result of their work. This plan resulted in additional parking spaces, with everything falling into fairly reasonable locations. [Bozeman Police dealings with Courts: They are in Municipal Court all day, but all felonies are moved out of this court and to District Court.]

Mary Ellen Fitzgerald: I have to defer to the Sheriff and the Chief on the matter of co-location in the same building or on the same site.

Sheriff Cashell: What we have been doing for a lot of years has worked. Cops with cops and courts with courts. The jail (new) was originally located in the corner. However, it has now moved more toward the center and is taking a huge chunk out of the land; we have to look at that. My idea is that how it has been done has been best for the public and provides one-stop shopping that is most efficient for everyone. The biggest part of it is keeping everyone together like it is now, that is a big savings of money as well. Operationally it is better for the Sheriff to be connected to the Police Department, internally it is better to be with the jail. The jail handles nearly all of their own issues now. Our dealing with the courts is an escort from the jail to District Court. The JP's use video conference.

Chief Tymrak: In a perfect world with a perfect timeline, this would work. But we would need to both be on the same timeline. The Sheriff and the Police Department meet together at the Guenther Center or on the 3rd floor of the L&J now. Co-located in a perfect world is great, but the City has a timeline and immediate needs; a walk across the street shouldn't be a deal breaker.

Dennis Steinhauer: I am all for co-locations on the site. Synchronized timelines and one roof may be best, but if those things can't happen, then what?

Todd Mitchell: The biggest thing is the Police Department and the Sheriff working hand-in-hand is important. However, having them in a separate building but on the same property is more important if the alternative is them leaving.

Dawn Hayes: The idea is the same building, but that may not be feasible. Our law enforcement agencies are very adaptable. The conditions they've worked under for years have not been great, but they've made it work. We'd like things as perfect as possible, but having everything on the same campus is most important. If there is some way to have the police building such that we can add the Sheriff on later that would be great – it would be a big improvement from now regardless.

Chief Tymrak: Suggested that he give the CIPC a walk back in time. He explained that the City had a study completed by Carter Goble Lee. They then looked at property at Mandeville, the City shops location, and the Westlake property at 5th and Tamarack. The biggest starting point was the 5 acres recommended in the CGL study. CGL also said that the City and County would need 30+ acres for a joint facility with the jail. Mr. Sandholm proved that the 18+ acres will work for all of our needs. We want to stay co-located and stay on the L&J site. We weighed the pros and cons, the benefits of the northwest corner versus the southwest corner, and Jeff made it work while addressing everyone's needs. The City hopes that in the spirit of staying together that we can make this work. MSU is a campus. There are lots of buildings all on one campus and people travel between the buildings without any problems.

Commissioner Skinner: I can't tell if the City is bluffing or not but I'm concerned that if we go with a master plan before making a decision that they'll go elsewhere if it takes too long. I don't want them to make the decision to move. It is beneficial to all for us to stay on the same campus.

Chair Weaver: Co-location to me is ultimately on the same site. But, is there a better way to do it? The CGL study noted that what we do best is the co-location of our services. There is cost savings if the services are in the same building, even if it is phased construction. Whether the timelines and process allow it is another story. We will have to give an explanation to our taxpayers for whatever plan we come up with. My biggest concern is the size of the site for our future needs. It makes me nervous to give an opinion without a detailed master plan. We have conceptual drawings but the two conflict with each other. It is hard to make a decision without all of the questions answered.

Commissioner Murdock: I don't want to make the same mistake as we did with the jail location (asking for a recommendation we didn't want to take); I will listen to whatever recommendation you on this subject. We will avail the resources to get you to the point of being able to make a decision.

Chair Weaver: Earl and Joe have indicated that there may not be money to avail to this purpose. The timing isn't of as much concern as the money to get it accomplished. Doing it right is more important than doing it in a hurry. I'm concerned about creating efficiency in the use of the property we have available.

Discussion regarding how close the current plans may be to being a "final" master plan. It may also not be as expensive as we are anticipating it being.

Sheriff Cashell: Commented on the stimulus money and a COPS grant award that Gallatin County may be getting. The County needs to look at all of the L&J and the components that need to be located on it. He offered to let the CIPC know what monies become available and what they might be available for; some of it may be used for bricks and mortar.

Chair Weaver asked Chief Tymrak if the master plan could be completed this year, would the City agree to participate as long as that was a reasonable certainty. Chief Tymrak stated that [City staff's] direction was to find a site and get it designed – a year ago. It is already one year late. We are pushing the envelope now. Also stated that a lease would not be a deal breaker. Chair Weaver stated that he agrees with lease over sale – the County should not sell property, especially on this site.

Chief Tymrak: Stated that building together may save a little money, but asked the CIPC to keep in mind that the original master plan only had the Police Department (PD) connected to the other buildings via a second story walkway. The original plans didn't have the Sheriff and PD together. The most current plan is not wrong, may not be perfect, but it is good.

Dawn Hayes: There may not be a "right" plan but a plan that works best for everyone. We need to hear how much this will cost and how long it will take, from Dowling Sandholm.

Chair Weaver: We still don't have a master plan with the best utilization of the space.

Chief Tymrak: Those are legitimate concerns, to build out piece by piece. But we have to be able to fit all the pieces and Mr. Sandholm has done a good job of making it work.

Ed Blackman: I don't have a problem with Sandholm answering questions, but the County doesn't have a contract with them at this time and we would need to go out for an RFP or RFQ before entering into an agreement with them for this service (completion of a master plan).

Chief Tymrak: Reminded the CIPC that the County and City have a meeting on Friday, March 6th and the hope was to have a recommendation prior to that meeting. He also asked if his interpretations were accurate that what the CIPC agrees that sale of the land is not an option, they would like to see law enforcement in the same building in a perfect world, and that the CIPC recognizes that the City's needs are immediate.

General discussion: Chairman Weaver stated that he wants more answers from Sandholm, Ms. Fitzgerald agreed. Ms. Hayes asked Commissioner Skinner for his input. He stated that if the CIPC can't give a recommendation today that the Commission will either move on with its own decision or wait. Mr. Kukulski stated that the City Commissioners want to stay at this site. Discussion took place regarding a special meeting to further discuss this matter, hopefully with Jeff Sandholm present. Chief Tymrak agreed to contact Jeff for his availability. Mr. Mitchell stated that he isn't opposed to another meeting but the CIPC needs to remember the urgency of this matter. The City needs an answer and if we're going to push it back, we have to keep this in mind.

Tentatively scheduled a special meeting for 7:30, March 4th. Glenda will confirm.

Meeting was adjourned at 9:05 AM